

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.10792 OF 2022**

**THE EXECUTIVE ENGINEER
VERSUS
THE DEPUTY COLLECTOR ACQUISITION SPECIAL LAND
ACQUISITION OFFICER -1 AND OTHERS**

...

Mr. Ajay D. Pawar, Advocate for the Petitioner.

Mr. S. R. Dheple, Advocate for Respondent Nos.2A-2C, 4-5, 7-46C.

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**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.
DATE : 05th APRIL, 2023.**

P.C:-

1. The award which is subject matter of challenge is dated December 20, 2016 based on which the respondents were extended benefit under Section 28-A of the Land Acquisition Act, 1894.

2. According to the petitioner-the Acquiring Body, since the mistakes cropped up in the calculation and consideration of the area, they have approached the Collector for correction of the same, which is rejected on 18th August, 2020.

3. In response to the Court's query, learned counsel for the respondents submits that, if the Collector is willing to hear the respondents, so also the petitioner in the said matter and if the rights of the petitioner are kept intact qua the compensation to be paid, they have no objection to appear before the Collector on 24th April, 2023.

4. In the aforesaid background, we direct the Collector to treat the petition as a representation and after hearing parties on

24th April, 2023 or thereafter, decide the rival claims in any case by 31st May, 2023. We direct the Collector to communicate its decision taken in the matter to the respective parties by 9th June, 2023.

5. However, it is made clear that the rights of the respondents-land owners qua the entitlement and claim for enhanced compensation is kept intact and if they are aggrieved by the decision of the Collector it shall be open for them to question the same before appropriate forum.

6. In this background, we direct the petitioner to deposit the entire amount of compensation including that of accrued interest before the Land Acquisition Officer in any case by 31st May, 2023. It is clarified that, the amount has to be deposited in accordance with the order passed under Section 28-A of the Land Acquisition Act, 1894.

7. The writ petition accordingly stands disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

(NITIN W. SAMBRE)
JUDGE